

DEPARTMENT OF ENVIRONMENTAL QUALITY

Legislation modifying the Motor Vehicle Recycling & Disposal Act
By Request of the Department of Environmental Quality

2007 MONTANA LEGISLATURE

HB0143 FACT SHEET

MOTOR VEHICLE RECYCLING & DISPOSAL ACT MOVE MOTOR VEHICLE WRECKING FACILITY QUARTERLY REPORTING REQUIREMENT FROM THE MOTOR VEHICLE RECYCLING & DISPOSAL ACT TO TITLE 61, CHAPTER 3

Statute: Amending Sections 61-3-211 and 75-10-513(2), MCA

Summary: The Motor Vehicle Recycling & Disposal (MVR&D) Act has a provision that requires each motor vehicle wrecking facility to submit a report of the vehicles acquired and to send the title for the vehicle to the Department of Justice. 75-10-513(2), MCA, states:

"Quarterly, each motor vehicle wrecking facility shall mail to the department of justice, on a form approved by the department of justice, a list of all junk vehicles received by the motor vehicle wrecking facility during the quarter, stating the year, make, and complete identification number of each vehicle. If a certificate of title is received for a junk vehicle on the list, the certificate of title must accompany the list."

This proposed statutory change would move the quarterly reporting and motor vehicle title submission requirement for motor vehicle wrecking facilities that acquire junk vehicles from the Motor Vehicle Recycling & Disposal Act to Title 61, Chapter 3 – Certificates of Title, Registration, and Taxation of Motor Vehicles.

Background: The Motor Vehicle Recycling & Disposal Act (MVR&D) requires each licensed motor vehicle wrecking facility to maintain a set of records for all junk vehicles the facility acquires (75-10-512, MCA). The facility's junk vehicle inventory records are to be available for inspection by an inspector from the Montana Department of Environmental Quality or the Montana Department of Justice. Under 75-10-513, MCA, a report containing portions of the vehicle information and the certificate of title required to be kept under 75-10-512, MCA, are to be submitted to the Department of Justice on a quarterly basis.

Issue: DEQ staff agrees that submittal of the junk vehicle certificates of title to the Department of Justice (DOJ) is an appropriate mechanism to keep the state motor vehicle registration and licensing records current and accurate. This submittal allows a junk vehicle to clearly be identified in the electronic database as a vehicle which will no longer be eligible for licensure for use on the state highways. However, the certificates of title are currently required under 75-10-513 to be submitted to the DOJ quarterly.

The quarterly report requirement is a DOJ requirement. The DEQ does not deal with, process, or have regulatory interest in motor vehicle titles. The DEQ is being placed in a position of enforcing Department of Justice requirements. The DEQ rarely sees the quarterly report. DEQ does not ordinarily receive or review the report except during the course of an on site inspection. If the wrecking yards mistakenly send the quarterly report to DEQ, we forward the report to the DOJ.

If the quarterly report and the junk vehicle title submittal are needed by the Department of Justice, the requirement should be placed in the Motor Vehicle title regulations administered by the Department of Justice.

Regulated Community: Motor Vehicle Wrecking Facilities.